

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

FILLED BY RG - D.C.
05 MAY 17 PM 3:26
ROBERT E. STEENE, CLERK OF THE DISTRICT COURT
WESTERN DISTRICT OF TENNESSEE, MEMPHIS

UNITED STATES OF AMERICA
upon the relation and
for the use of the
TENNESSEE VALLEY AUTHORITY
Plaintiff

v.

Civil Action No. 05 2202 D-P

TREE-REMOVAL RIGHTS WITH
RESPECT TO LAND IN FAYETTE
COUNTY, TENNESSEE, WITH
RESPECT ONLY TO AN
UNDIVIDED 1/3 INTEREST

ELEANOR KENDALL-TIPTON
Defendants

JUDGMENT AND ORDER DISBURSING FUNDS

This action came on to be considered, and it appears to the Court that the parties, as shown by the signatures below, have agreed to resolve this action as hereinafter provided.

It is, therefore, Ordered and Adjudged that:

1. The caption of this action is hereby changed to read as above (thereby using the undersigned Defendant's full first name).

This document entered on the docket sheet in compliance
with Rule 58 and/or 79(a) FRCP on 5/19/05

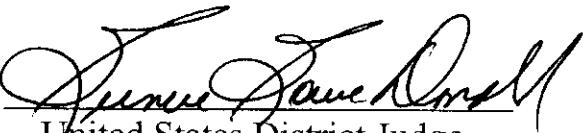
2. The Defendant shall recover of the Plaintiff \$367.67 as full compensation for the tree-removal rights herein condemned, which amount has been deposited by the Plaintiff with the registry of this Court in this action.

3. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed herein on March 15, 2005, is hereby fully and finally confirmed with respect to the tree-removal rights described in Exhibit A attached hereto and made a part hereof.

4. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$367.67 payable to Eleanor Kendall-Tipton, in full satisfaction of this Judgment and Order Disbursing Funds (Judgment), and to mail said check to her at 2732 Highway 70 East, Jackson, Tennessee 38305.

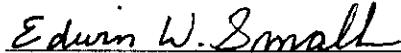
5. The Clerk of this Court shall furnish to the Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

Approved for entry.



United States District Judge

We hereby approve and consent to the entry of this Judgment:



Edwin W. Small

Edwin W. Small
Assistant General Counsel
Tennessee Valley Authority
400 West Summit Hill Drive
Knoxville, Tennessee 37902-1401
Telephone 865-632-3021
Facsimile 865-632-6718
Tennessee BPR No. 012347



Eleanor Kendall-Tipton

Eleanor Kendall-Tipton
2732 Highway 70 East
Jackson, Tennessee 38305

Defendant

Attorney for Plaintiff

003734252

TRACT NO. SJCTG-10-CR

Tree-removal rights with respect to land, with respect only to an undivided 1/3 interest therein, located in Fayette County, State of Tennessee, and described in a deed recorded in Deed Book 449, page 33, in the office of the Register of Fayette County, Tennessee, which description is incorporated herein by reference and made a part hereof, said rights consisting of the perpetual right to remove, cut down, destroy, and/or otherwise dispose of any trees on said land which in falling could come within five feet of any transmission line structure or conductor (the structures and conductors being on and over adjacent land as hereinafter described). Plaintiff shall remain liable for any direct physical damage to said land and fences thereon resulting directly from operations by and on behalf of the Plaintiff in the exercise of said rights. The land affected by said tree-removal rights and the location of the transmission line on the adjacent land are shown on a map entitled "South Jackson-Cordova Tap to Gallaway Transmission Line," drawing LW-3093, sheet P14AA, R.2, which map is incorporated herein by reference and made a part hereof, with the portion of said map showing the affected portion of said land and the centerline of the transmission line location being attached to the Declaration of Taking filed herein, the location of the southwest corner of the property for the portion of the land affected by said rights and its location with respect to the centerline of the transmission line location on the adjacent land being more particularly described as follows:

TRACT NO. SJCTG-10-CR

The southwest corner of the land affected by the clearing rights is located at a point 110.16 feet right of the centerline of the transmission line location on the land of Edgar Grimes (tract No. SJCTG-9) at survey station 95+54.38, the said point being a common corner in the lands of Paul Tipton, et al., Edgar Grimes, and Setri L. Bowen, and located in the Hickory Withe Corporate Limits of the Seventh Civil District of Fayette County, State of Tennessee.

Recording Information: Defendant/landowner with respect to the undivided 1/3 interest as of the date of the filing of the Declaration of Taking – Defendant Eleanor Kendall-Tipton (Deed Book 449, page 33) (said Defendant is referred to in said deed and in the Declaration of Taking as "Ellie Kendall-Tipton"). Tax map 63, parcel 23.



Western Division-Memphis
167 N. Main, Room 242
Memphis, TN 38103
(901) 495 - 1200

Eastern Division-Jackson
Room 262, 111 South Avenue
Jackson, TN 38301
(731) 421-9200

COPY

Received From:

TVA

Cash:
Check: \$184.34 **Check Number:**
Credit:
Total Amount \$184.34
Total Amount Paid: \$184.34
Change: \$0.00

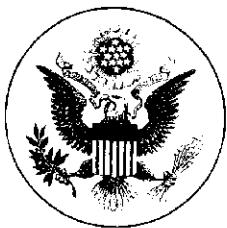
Receipt Details

1 Registry **Amount Owed:** \$184.34
Case Number 2:05CV2202

400 WEST SUMMIT HILL DRIVE
KNOXVILLE, TN 37902-1401

Total Amount: \$184.34

Total Lines: 1



Notice of Distribution

This notice confirms a copy of the document docketed as number 5 in case 2:05-CV-02202 was distributed by fax, mail, or direct printing on May 19, 2005 to the parties listed.

Philip J Pfeifer
TENNESSEE VALLEY AUTHORITY
400 W. Summit Hill Dr.
Knoxville, TN 37902--140

Edwin W. Small
TENNESSEE VALLEY AUTHORITY
400 W. Summit Hill Dr.
Knoxville, TN 37902--140

Honorable Bernice Donald
US DISTRICT COURT